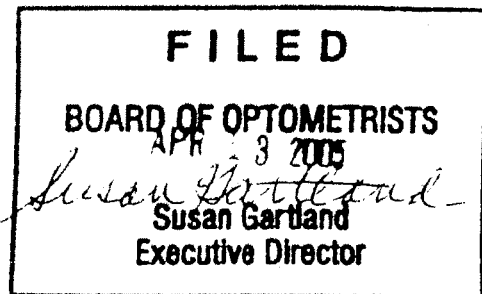


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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
BOARD OF OPTOMETRISTS

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IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE OF

WILLIAM J. GREENBERG, OD.  
License No. 27OA00376000

TO PRACTICE OPTOMETRY  
IN THE STATE OF NEW JERSEY

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Administrative Action

FINAL DECISION AND ORDER  
AFTER UPL EXPLANATION

This matter was opened to the New Jersey Board of Optometrists (hereinafter the "Board") on the receipt and review of an advertisement for InVision Eyecare in the March 26, 2004 issue of the Ocean County Observer which failed to include your license and certification number. The review revealed probable violations of N.J.A.C. 13:38-1.2(I) which requires an optometrist to include his name and license and certification numbers in all advertisements.

On May 3, 2004, a Uniform Penalty Letter (hereinafter "U.P.L.") was sent to

Respondent, William Greenberg, O.D. setting forth the initial findings of the Board and offering Respondent the opportunity to settle this matter by acknowledging the violations and paying an aggregate civil penalty in the amount of \$250.00 for failure to include his license and certification number in the advertisement in violation of N.J.A.C. 13:38-1.2(l). Alternatively, Respondent was given the options of either requesting a hearing before the Board or submitting a written explanation and waiving its right to a hearing.

Waiving his right to a hearing, Respondent elected to submit a written explanation in which Respondent maintained that upon receipt of the initial notice he notified his advertising agency, CRM Group, to revise the ads as of January 15, 2004. Respondent also indicated that he received an acknowledgment from CRM Group on or about January 15, 2005 advising him that all necessary changes would be made to his advertisements, included in that advisement he received a corrected advertisement which respondent also provided for the Board's review. Furthermore, Respondent informed the Board that he has never knowingly intended to violate any statutes involving the practice of optometry and if a violation of the law has occurred, he is genuinely sorry.

At its meeting on June 16, 2004, the Board considered Respondent's explanation and the complaint. With respect to the charges the Board acknowledges the circumstances in this case but noted that the advertising regulations provide that "every registered optometrist whose name appears in or is mentioned in any advertisement of any kind or character shall be presumed to have caused, permitted, and approved the advertising and shall be personally responsible for its material content and character," N.J.A.C. 13:38-1.1. Therefore, the Board concluded that the violation of N.J.A.C. 13:38-1.2 (l) occurred and the U.P.L. is affirmed.

Based on the foregoing:

It is on this 13th day of April, 2005,

ORDERED that:

1. Respondent shall pay to the Board of Optometrists a civil penalty in the total amount of \$250.00 for the violation set forth in the U.P.L. and found as detailed above. Said payment shall be made by certified check or money order payable to the State Board of Optometrists and shall be delivered within ten (10) days of the service of this order to Susan Gartland, Executive Director, of the Board of Optometrists, P.O. Box 45012, Newark, New Jersey 07101. Failure to remit the payment required by this Order will result in the filing of a certificate of debt.
2. Respondent shall cease and desist from engaging in the conduct found herein to be unlawful.

NEW JERSEY STATE  
BOARD OF OPTOMETRISTS

BY: 

Mitchell Fink, O.D.  
President